

Remarks

Claims 1-24, 26-34, 52-59, and 65-71 are pending in the present application. Claims 26-27, 52-53, 56-59, and 65 are amended hereby. Reconsideration is respectfully requested.

Applicants thank Examiners Vinh and Norton for the telephone interviews on June 22, 2006 with Applicants' representative Lisa M. Caldwell.

The Examiners asserted in the telephone interviews that "outer margin" of a workpiece surface as set forth in the current specification and in the grandparent US patent '436 to which priority is claimed, could include or be considered to be equivalent to the current claim language "a major portion" of the workpiece surface. That is, the Examiners asserted that Applicant cannot claim priority to the grandparent '436 patent because the claim language "excluding at least a major portion of the second side from exposure to the first fluid" in the current claims are not supported by the language in the specification of the current application and the '436 patent "while the etchant is prevented from flowing over the front side except for the outer margin." (C. 2, ll. 28-41). This is an improper interpretation of "outer margin."

Contrary to the Examiners' assertion, there is no ordinary or plain meaning interpretation of "outer margin" that could arguably include "a major portion." Although claim terms are interpreted to have their broadest possible meaning, there is no possible meaning of "outer margin" that would include "a major portion." "[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, *i.e.*, as of the effective filing date of the patent application." *Phillips v. AWH Corp.*, __F.3d__, 75 USPQ2d 1321 (Fed. Cir. 2005) (*en banc*); *Sunrize Roots Enter. Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438, 1441 (Fed. Cir. 2003); *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003). The ordinary and customary meaning of a term may be evidenced by a variety of sources, *Phillips v. AWH Corp.*, __F.3d__, 75 USPQ2d 1321 (Fed. Cir. 2005) (*en banc*), including: the claims themselves, *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999); **dictionaries** and treatises, *Tex. Digital Sys., Inc. v. Telegenix, Inc.*, 308 F.3d 1193, 1202, 64 USPQ2d 1812, 1818 (Fed. Cir. 2002); **and the written description, the drawings**, and the prosecution history, see, e.g., *DeMarini Sports, Inc. v. Worth, Inc.*, 239 F.3d 1314, 1324, 57 USPQ2d 1889, 1894 (Fed. Cir. 2001). MPEP § 2111.01 (emphasis added).

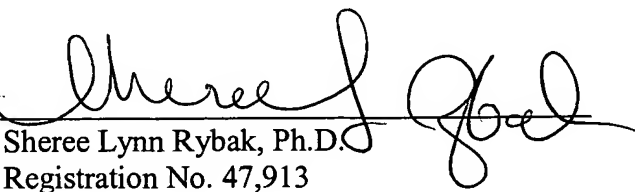
The drawings, as discussed in the telephone interview, show the outer margin (22 and 132) in Figs. 1A-2C. Clearly these “outer margins” do not include a major portion and no one of ordinary skill in the art would ever think it would so include a major portion of a work piece. In addition, the Background section of the ‘436 patent (which is also recited verbatim in the current application) illustrates what was known to those of ordinary skill in the art – that the “outer margin” is what it says – a margin – it is not “a major portion.” See, e.g., the ‘436 patent at C. 1, ll. 36-54). Dictionary definitions clearly recite definitions of margin as a boundary or edge – not a major portion. We could recite many such definitions herein but a simply review of definitions of “margin” online will illustrate this plain meaning for the Examiners. Thus, the drawings, the specifications, and the plain meaning of “outer margin” clearly are contrary to the Examiners’ assertion that an “outer margin” could read on “a major portion.” Accordingly, the language discussed in the grandparent ‘436 patent, e.g., C. 2, ll. 28-41), which language is also recited in the current application (see, e.g., p. 5, l. 27 through p. 6, l. 7), clearly supports the claim language at issue. Therefore, the grandparent ‘436 patent priority date is the priority date for the current application as well and the Miki ‘081 patent is not prior art.

Claims 26-27, 52-53, 56-59, and 65 are amended in the current application. As filed in previous responses and as discussed during the telephone interview with Examiner Vinh, each of the current claims is supported by the grandparent ‘436 patent and thus, the art currently cited against this application is not prior art against any of the claims. If there are any further questions or issues in this regard, Examiners Vinh and Norton are respectfully requested to call the undersigned attorney representative of Applicants.

Respectfully submitted,

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